

FILED

JUN 15 2022

CLERK, U.S. DISTRICT CLERK
WESTERN DISTRICT OF TEXAS
BY JS DEPUTY

Jesse Ray Hardee # 43834-480

U.S.P. Pollock

United States Penitentiary

P.O. Box 2099

Pollock, La 71467

MO: 19-CR-00265 (1) DC

MO: 22-CV-00028

Correction to Documents 112. To the last sentence on Ground 1. Says he did do that. Talking about asking to have the State Charges run concurrent with Federal Sentence. He did not do that.

Ground 1 - Ineffective Assistance of Counsel:

David Rogers never once even ask me about my case. Never ask me about what really happened or anything. Never came to Haskell, Tx. Was not there for the Interview with Probation Officer Angela Lopez or even on a Conference call to advise me, or explain things about the P.S.R. and the importance of the report, and how it would effect me at sentencing. Had "Encouraged me to Plead Guilty" saying I was looking at 151 months to 188 months. Also told me on two different occasions that if I took it to trial they (The Feds) would Life me. At Sentencing

I received 365 months plus 5 years supervised release. That is Life. I Knew Mr. Rogers had no interest in my case so I wrote to him and the Court asking for New Counsel. And was denied. I feel that Mr. Rogers was only interested in the race for Judge. I feel as though my Case suffered Severely due to his Lack of Commitment or Concern.

Ground Two: Plead Guilty to One Count of the Indictment.

Never have seen the Lab report on my Case Co-defendant received a copy. Again have no idea what all that means. Except there was 273 grams of Methamphetamine sent to the lab. Mr. Rogers said we would wait for Lab report. That's what I plead Guilty to.

Ground Three: Search Warrant,

No One gave permission for them to Search the house. The Search Warrant didn't include any information as to description of property or Identify anyone. No Attachments A or B. Also did not include Building on Property. Inventory Sheet was not completely filled out for the information required. There were no Weights or Quantity on anything. Mr. Harwood said at my Sentencing that there was another 30,000 or 40,000 found at the house. There was no information about that on the Search Warrant either.

Ground Four: P.S.R.

United States v. Asbury (7th Cir. 2022)

Lack of Adequate factual basis for drug quantity
I have requested P.S.R. and have been denied
access. I was allowed to look at this very
important Document for maybe 1 minute
before Sentencing. Up until now I had
no clue how vital this Document was to
my Case. And the Standing order in the
Western District, states a defendant is no
longer able to have access but Mr. Rogers
Did. And it was one of the most important
Documents in my Case but yet he didn't
deem it necessary or take time with me
to look it over. So that I could have decided
if there were things that needed to be
discussed or address with the Probation
Department. So the Documentation: the
information that was vital to my Case
and effected the Sentence Imposed on
me has now been sealed. The same
Documents that sent me to Prison and
Now I have absolutely no access to
To Defend Myself. On what level is
that Justice. How can this Court take money
that we were sued for in Crane County, TX

And use it again to convert it into
Ghost Dope. Seems that would be
Double jeopardy. And the 36,672 we
were both sued for it and then this
Court uses it again

5 scanned 11/13/20
THE STATE OF TEXAS

VS

THIRTY SIX THOUSAND SIX
HUNDRED SEVENTY TWO
DOLLARS (\$36,672.00) IN UNITED
STATES CURRENCY, IN REM



IN THE DISTRICT COURT

109TH JUDICIAL DISTRICT

CRANE COUNTY, TEXAS

CITATION

TO: CASONDRA MCDUGAL

You are hereby commanded to appear before the 109th District Court, Crane County, Texas, to be held at the courthouse of said County in the City of Crane Texas, by filing a written answer to the petition of Plaintiff at or before 10 o'clock of the Monday next after the expiration of 20 days after the date of service hereof, a copy of which accompanies this citation, in cause number 6860, styled,

THE STATE OF TEXAS

VS

**THIRTY SIX THOUSAND SIX HUNDRED SEVENTY TWO DOLLARS (\$36,672.00) IN UNITED
STATES CURRENCY, IN REM**

filed in said court on the 9th day of December, 2019.

Petitioner is represented by Amanda Navarette, whose address is P.O. Box 1041, Kermit, Texas 79731.

Issued and given under my hand and seal of said Court at Crane Texas, this 10th day of December, 2019.

JUDY CRAWFORD, Clerk

109th District Court, Crane County, Texas

By: Janelle Shearn, Deputy

NOTICE

You have been sued. You may employ an attorney. If you, or your attorney, do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you.

SHERIFF'S RETURN

Came to hand on the 10th day of December, 2019 at 9:00 o'clock A.m., and executed on the 24 day of December, 2019 at 10 o'clock a.m., by delivering to CASONDRA MCDUGAL, the within named Respondent, a true copy of the PLAINTIFF'S ORIGINAL NOTICE OF SEIZURE AND INTENDED FORFEITURE.

Andrew R. Aguilar Sheriff
Crane COUNTY, TEXAS
BY: [Signature] 5-12 DEPUTY

BY: _____ Sheriff
COUNTY, TEXAS
DEPUTY

THE STATE OF TEXAS

VS

FOURTY ONE THOUSAND NINETY
EIGHT DOLLARS AND SIXTY TWO
CENTS (\$41,098.62) IN UNITED
STATES CURRENCY, IN REM



IN THE DISTRICT COURT

109TH JUDICIAL DISTRICT

CRANE COUNTY, TEXAS

CITATION

**TO: JESSE RAY HARDEE
CRANE COUNTY JAIL**

You are hereby commanded to appear before the 109th District Court, Crane County, Texas, to be held at the courthouse of said County in the City of Crane Texas, by filing a written answer to the petition of Plaintiff at or before 10 o'clock of the Monday next after the expiration of 20 days after the date of service hereof, a copy of which accompanies this citation, in cause number **6861**, styled,

**THE STATE OF TEXAS
VS**

**FOURTY ONE THOUSAND NINETY EIGHT DOLLARS AND
SIXTY TWO CENTS (\$41,098.62) IN UNITED STATES CURRENCY, IN REM**

filed in said court on the 10th day of December, 2019.

Petitioner is represented by Amanda Navarette, whose address is P.O. Box 1041, Kermit, Texas 79731.

Issued and given under my hand and seal of said Court at Crane Texas, this 10th day of December, 2019.

JUDY CRAWFORD, Clerk

109th District Court, Crane County, Texas
By: Janette Shumake, Deputy

NOTICE

You have been sued. You may employ an attorney. If you, or your attorney, do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you.

SHERIFF'S RETURN

Came to hand on the 10th day of December, 2019 at 8:35 o'clock A.m., and executed on the 10th day of December, 2019 at 8:36 o'clock A.m., by delivering to **JESSE RAY HARDEE**, the within named Respondent, a true copy of the **PLAINTIFF'S ORIGINAL NOTICE OF SEIZURE AND INTENDED FORFEITURE**.

Andrew A. Aguilar Sheriff
Crane COUNTY, TEXAS
BY: [Signature] DEPUTY

Offense Conduct (Chapter 2)

United States v. Asbury

2022 U.S. App. LEXIS 5711 (7th Cir. 2022)
Lack of adequate factual basis in PSR for
drug quantity; no harmless error

The defendant was arrested after selling 83 grams of 99% pure meth to a confidential source. He was convicted by a jury for distributing at least 50 grams of meth. The indictment also alleged that he had a prior conviction for a serious drug offense. The PSR converted the 82.2 grams, pursuant to §2D1.1, cmt. 8(D) (table 2), to a drug weight of 1,644 kilograms. However, based on “reports from others who had furnished information,” the PSR concluded that the defendant was responsible for an additional 15,819.3 grams of a mixture containing meth distributed between 2018 and 2019. This added an additional 31,638.6 kilograms of converted weight. This raised the offense level to from 32 to 38, and with a criminal history of VI, resulted in a sentencing range of 360 months to life. Had the offense level been 32, his range would have been 210 to 262 months. In response to the defendant’s objections, the PSR stated only that “[t]hese amounts were obtained from investigative reports prepared by law enforcement that this [probation] office deemed credible.” At sentencing, when the government was asked if intended to introduce any additional evidence regarding the drug amount, it replied that it was not offering any additional evidence. After a brief comment on relevant conduct, the court said that it was adopting the PSR, added two levels for perjury, and imposed a sentence of 360 months, double the statutory mandatory minimum.

On appeal, the defendant argued that the district court erroneously relied on unsupported and disputed allegations in the PSR regarding relevant conduct and the drug amount. The government conceded that the drug-quantity finding could not be sustained. The Seventh Circuit agreed: “This record does not give us the necessary confidence that the conceded guideline error that occurred here was harmless. At no point did the district court squarely address the possibility that it might have erred in its drug-quantity finding – indeed, if it had done so, it undoubtedly would have noticed that there was no evidentiary support for the allegations . . . of the PSR. Nor did the court explain why it would have given exactly the same sentence even if the relevant conduct were excluded.” The district court’s statement that if it made an error in the guideline calculation, that “would not affect my sentence” was not sufficient to find harmless error. “The district court’s generic disclaimer sheds no light on which, if any, . . . potential errors it had in mind. It is thus not specific enough to permit a finding of harmless error.” “The district court did not assure itself that there was an adequate factual basis for the drug quantity reported in the PSR; and its brief comment to the effect that

the guidelines had not driven its sentence was not enough to fix this problem.” The sentence was vacated and remanded.

TO: Judge Counts

April 4, 2020
1 of 2

RE: Jesse Hardee

Judge Counts -

My name is Jodi Davis and I am writing you on behalf of Jesse Hardee. I am a 50 year old mother of 3, grandmother of 3 and wife of 30 years. I work full time at Anchor Bolt and Supply Company. I have been here for almost a year now.

I met Jesse in about 2015. We were and still are friends. Jesse is a very quiet guy. He is also very respectful young man. Since meeting Jesse I have become friends with the whole family. Since Jesse's father's death in 2018 Jesse has taken on the responsibility of caring for his mother. Although she is very able to care for herself. I felt he went above and beyond to make ~~be~~ sure she had what she needed.

2 of 2
and Or Wanked. This family
has been through a lot in the
last year and I just hope that
their journey will meet more
joy than sorrows.

Thank you for your time
and consideration. If you need
to reach me by phone my
number is 432- [REDACTED]
Again thank you for your time.

Yours Truly

Jodi Davis

[REDACTED]
Crane TX 79731
432- [REDACTED]

TO: Judge Counts

April 4, 2020
1 of 2

RE: Jesse Hardee

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to reach me by phone my
number is 432. [REDACTED]
Again thank you for your time.

Yours Truly

Jodi Davis
[REDACTED]

Crane TX 79731

432. [REDACTED]

Dear Sir,

1 of 1

I am writing this letter on behalf of Jesse Ray Hardee. I met Jesse's mom when Jesse was about 4 years old. He was a sweet little cotton top boy who loved to aggravate his Nanny. His grandmother & great grandmother were church going women with wonderful hearts. Jesse was raised by hard working parents. He had one older brother who he grew up with. He was a loving child whom I have watched grow into a loving and compassionate man. Jesse is known for always putting others needs above his own. He is always helping others. I have seen this first hand when he did everything he could to help my son when he was going through hard times. I feel fortunate to know such a caring man whom I love like one of my own.

Thank You for your time
Sincerely, Sylvia Teston

Dear Sir,

1 of 1

I am writing this letter on behalf of Jesse Ray Hardee. I met Jesse's mom when Jesse was about 4 years old. He was a sweet little cotton top boy who loved to aggravate his Nanny. His grandmother & great grandmother were church going women with wonderful hearts. Jesse was raised by hardworking parents. He had one older brother who he grew up with. He was a loving child whom I have watched grow into a loving and compassionate man. Jesse is known for always putting others needs above his own. He is always helping others. I have seen this first hand when he did everything he could to help my son when he was going through hard times. I feel fortunate to know such a caring man whom I love like one of my own.

Thank You for your time
Sincerely, Sylvia Teston

To Whom it may concern

We meet Jessie Harder in 2016; was a really close friend to my daughter. He is a very respectful young man, always helpful when he was around, if you needed help he would come. A very quite young man but deliberate with something he had to say. In a way, that time we considered him as a close friend of the family. We would welcome him here anytime.

Thank you
Cynthia J. Jell
April 6, 2020

To Whom it may concern

We meet Jessie Harder in 2016; was a really close friend to my daughter. He is a very respectful young man, Always helpful when he was around, if you needed help he would come. A very quite young man but deliberate with something he had to say. In a very short time we considered him as a close friend of the family. We would welcome him here anytime

Thank you
Cynthia Jolley
April 6, 2020

Tiffany Tully

Trane Sr. 79731

April 6, 20

Re Jesse Hardee

See When it may concern

I have known Jesse for most of my life but have gotten the pleasure to become close to him the last couple of years and you couldnt of asked for a better or more selfless friend. In a mother of 3 and he is great with the kids as well Jesse is a great person in general and always considers to others before his self

Thank you

Tiffany Tully

J. Mary Tulley
[REDACTED]

Home Ex, 79731

April 6, 20

Re Jesse Hardee

See When it may concern

I have known Jesse for most of my life but have gotten the pleasure to become close to him the last couple of years and you couldn't of asked for a better or more selfless friend. In a mother of 3 and he is great with the kids as well Jesse is a great person in general ~~and~~ and always ~~to~~ considers to others before his self

Thank you
J. Mary Tulley

Judge Courts.

This is Jesse Hardee #43834-480. And I know this is late I got moved to Pollock and we have pretty much been on lock down since then. I Pray the court will at least look at some of the stuff I got. Thank you for your time

Jesse Hardee 43834-480

Jesse Hardee 43834-480
United State Penitentiary
P.O. Box 2099 CI-138
Billock, LA 71467

RECEIVED

JUN 15 2022

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY _____ DEPUTY

Clerk, U.S. District Court
Western District of Texas
United States Court house
200 E. Wall ST Rm 222
Midland, TX 79701



SCREENED BY CSO
JUN 15 2022

Legal Mail